

Attorney Docket No. 389014

## REMARKS

The undersigned attorney interviewed this case with Examiner Lau today, July 9, 2004. The remarks below comment upon what was discussed in the interview. Accordingly, it is believed that the following remarks attend to all rejections presented in the pending June 28, 2004 office action.

### Claim Rejections under 35 USC § 102(e)

Claims 1, 2, 3, 4, 6 stand rejected under 35 USC §102(e) as being unpatentable over U.S. Patent No. 6,516,284 ("Flentov"). Respectfully we disagree, since Flentov does not teach each and every limitation of these claims. 35 USC §102(e) requires that each and every element must be taught by Flentov in order to anticipate the claims.

During the interview, it was discussed that Flentov is owned entirely by the assignee of this present application. Assignee is very very familiar with the disclosure of Flentov.

The Examiner argues that Flentov discloses a digital camera as unit 16. During the interview, we discussed that, in fact, item 16 is a "display" that is used to display data such as airtime; item 16 is not therefore a digital camera that captures video or image data, as in claim 1. Display 16 is for example an LCD display such as used in a digital watch.

It was further discussed in the interview that Flentov does not teach processing frames of data (the word "frame" or "frames" is completely absent from Flentov). In particular, we discussed that FIG. 11 of Flentov illustrates data that may be captured by unit 10 (and particularly by loft sensor 20) of Flentov; this data is not equivalent to frames of data as disclosed within the current specification. As disclosed within the current specification, "frames of data" correspond to data from a plurality of pixels of a digital camera; such a digital camera is not disclosed by Flentov.

Finally, we today discussed that unit 10 of Flentov is shown mounted to a ski 26' in FIG. 2A, in the context that unit 10 does not capture a "picture" such as illustrated in FIG. 2A. Instead, FIG. 2A illustrates operation of unit 10 within an example setting; it does not illustrate capturing frames of data that may be used to determine "altitude" by comparing a "highest point of motion" within the frames of data. Unit 10 mounts to ski 26' and – by use of a loft sensor 20, for example – captures electronic data (not frames of data as from a digital camera) such as shown in FIG. 11.

Serial No. 09/657,111  
Amendment and Remarks responsive to  
Final Office Action mailed June 28, 2004

Page 2  
BLDRDOCS 78886v1

Attorney Docket No. 389014

Flentov cannot therefore each the elements of claim 1, as required by 35 USC §102(e). Claims 2, 3, 4, 6 depend from claim 1 and benefit from like arguments.

The indication of allowable subject matter in claims 5, 7, 8-11, 12 is appreciated.

For the reasons stated above, Applicants argue that claims 1, 2, 3, 4, 6 are also allowable over the art of record.

It is believed no fees are due in connection with this response. If any additional fee is due, please charge Deposit Account No. 12-0600.

Respectfully submitted,

By: C. A. Vock  
Curtis A. Vock, Reg. No. 38,356  
LATHROP & GAGE L.C.  
4845 Pearl East Circle, Suite 300  
Boulder, CO 80301  
Tele: (720) 931-3011 Fax: (720) 931-3001

Serial No. 09/657,111  
Amendment and Remarks responsive to  
Final Office Action mailed June 28, 2004  
Page 3  
BLDRDOC\$ 78886v1



**UNITED STATES PATENT AND TRADEMARK OFFICE**

**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**  
**Address: COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**www.uspto.gov**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,111	09/07/2000	Curtis A. Vock	4513/011 (L&G 389014)	1286
24283	7590	06/28/2004		EXAMINER
PATTON BOGGS				LAU, TUNG S
1660 LINCOLN ST				
SUITE 2050				
DENVER, CO 80264				
			ART UNIT	PAPER NUMBER
				2863
				DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

07/09/2004 08:37 303-998-1105

REPORTING	ADDRESS	CITY
TO:	REPORT TO:	TIME
DEPT.		

DA-1 ~~CONFIDENTIAL~~ APPROVED BUSINESS FORMS, INC. CALL 1-800-438-0182

**AEGIS STAFFING SERVICES**  
 4141 ARAPAHOE, SUITE 102  
 BOULDER, CO 80302  
 PH: (303) 998-0800 FAX: (303) 998-1105

COMPANY NAME **WEEK ENDING SUNDAY**

ADDRESS CITY

EMPLOYEE NAME

HOLD  
 MY  MAIL  
 CHECK  MY CHECK

SOCIAL SECURITY NUMBER

AVAILABLE  
 FOR  YES   
 WORK? NO

EMPLOYEE SIGNATURE

WHEN AVAILABLE?

IMPORTANT FOR EMPLOYEE: BY EXECUTING THIS FORM, EMPLOYEE AGREES TO TERMS AND CONDITIONS ON REVERSE SIDE. CERTIFIES THAT THIS FORM IS TRUE AND ACCURATE, AND THAT NO INJURIES WERE SUFFERED.

DAY	DATE	HOURS TO NEAREST QUARTER HOUR				
		STARTED	FINISHED	LESS LUNCH	REG HOURS	O/H HOURS
MON						
TUES						
WED						
THUR						
FRI						
SAT						
SUN						

REGULAR PAY RATE: \$10.00/HR. O/H PAY RATE: \$15.00/HR.

HRS MIN HRS MIN

CLIENT: PLEASE WRITE TOTAL HOURS IN WORDS  
 TO NEAREST QUARTER HOUR ABOVE

TOTAL HOURS

PLEASE PRINT NAME (CLIENT) **12/14/2004 11:24**

TITLE

AUTHORIZED SIGNATURE (CLIENT)

IS THIS EMPLOYEE  YES  
 CONTINUING THIS  
 ASSIGNMENT?  NO

IMPORTANT FOR CLIENT: BY EXECUTION OF THIS FORM, CLIENT CERTIFIES THAT HOURS  
 SHOWN ARE CORRECT; WORK WAS DONE SATISFACTORILY; AND THAT CLIENT AGREES TO THE  
 TERMS AND CONDITIONS ON THE REVERSE SIDE OF THIS FORM. PLEASE DRAW LINE THROUGH  
 UNUSED SPACES ABOVE.

WIRE: 80040 REV. 3/94

OFFICE COPY

AEGIS STAFFING

PAGE 01

**CLIENT INFORMATION**

Check below on the following lines to indicate the type of service provided by this client.

1. This is a substantial project. The client has a definite end date and the work is to be completed by that date.

2. This is a long term assignment. The client has no definite end date and the work is to be completed as long as the client needs it.

3. This is a short term assignment. The client has a definite end date and the work is to be completed by that date.

4. This is a part time assignment. The client has no definite end date and the work is to be completed as long as the client needs it.

5. This is a full time assignment. The client has no definite end date and the work is to be completed as long as the client needs it.

6. This is a temporary assignment. The client has no definite end date and the work is to be completed as long as the client needs it.

7. This is a permanent assignment. The client has no definite end date and the work is to be completed as long as the client needs it.

8. This is a seasonal assignment. The client has a definite end date and the work is to be completed by that date.

9. This is a part time assignment. The client has a definite end date and the work is to be completed by that date.

10. This is a full time assignment. The client has a definite end date and the work is to be completed by that date.

11. This is a temporary assignment. The client has a definite end date and the work is to be completed by that date.

12. This is a permanent assignment. The client has a definite end date and the work is to be completed by that date.

13. This is a seasonal assignment. The client has a definite end date and the work is to be completed by that date.

14. This is a part time assignment. The client has a definite end date and the work is to be completed by that date.

15. This is a full time assignment. The client has a definite end date and the work is to be completed by that date.

16. This is a temporary assignment. The client has a definite end date and the work is to be completed by that date.

17. This is a permanent assignment. The client has a definite end date and the work is to be completed by that date.

18. This is a seasonal assignment. The client has a definite end date and the work is to be completed by that date.

19. This is a part time assignment. The client has a definite end date and the work is to be completed by that date.

20. This is a full time assignment. The client has a definite end date and the work is to be completed by that date.

21. This is a temporary assignment. The client has a definite end date and the work is to be completed by that date.

22. This is a permanent assignment. The client has a definite end date and the work is to be completed by that date.

23. This is a seasonal assignment. The client has a definite end date and the work is to be completed by that date.

24. This is a part time assignment. The client has a definite end date and the work is to be completed by that date.

25. This is a full time assignment. The client has a definite end date and the work is to be completed by that date.

26. This is a temporary assignment. The client has a definite end date and the work is to be completed by that date.

27. This is a permanent assignment. The client has a definite end date and the work is to be completed by that date.

28. This is a seasonal assignment. The client has a definite end date and the work is to be completed by that date.

29. This is a part time assignment. The client has a definite end date and the work is to be completed by that date.

30. This is a full time assignment. The client has a definite end date and the work is to be completed by that date.

For Linda Levin

BEST AVAILABLE COPY

